

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 192950
ORIGIN EUR-12

INFO OCT-01 ISO-00 SCS-06 CA-01 L-03 HA-05 H-01
JUSE-00 PA-01 ICA-11 SS-15 NSC-05 CIAE-00 DODE-00
INR-10 NSAE-00 SP-02 /073 R

DRAFTED BY EUR/SE:HDCOLLUMS:CSR

APPROVED BY EUR/SE:RCEWING

EUR/P:FSEIDNER

-----028200 010148Z /64

P R 312226Z JUL 78

FM SECSTATE WASHDC

TO AMEMBASSY ANKARA PRIORITY

INFO AMCONSUL ADANA

AMCONSUL ISTANBUL

AMCONSUL IZMIR

LIMITED OFFICIAL USE STATE 192950

E.O. 11652: N/A

TAGS: CASC, TU

SUBJECT: PRISONER TRANSFER TREATY

1. DEPT HAS DRAWN ON FOLLOWING GUIDANCE IN RESPONDING TO PRESS INQUIRIES RE NEGOTIATIONS WITH TURKISH GOVERNMENT ON PRISONER TRANSFER TREATY.

Q: WHEN WILL NEGOTIATIONS ON THE PRISONER TRANSFER TREATY BEGIN?

A: WE HAVE GIVEN THE TURKISH GOVERNMENT A DRAFT TEXT OF THE TREATY. ON THE BASIS OF THIS TEXT, THEY HAVE INVITED US TO SEND A NEGOTIATING TEAM TO ANKARA TO BEGIN TALKS ON AUGUST 21.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 192950

Q: HOW LONG DO YOU EXPECT THESE NEGOTIATIONS TO LAST?

A: DUE TO THE LEGAL COMPLEXITIES OF THE MATTER THIS IS DIFFICULT TO PREDICT, BUT OUR TEAM WILL BE INSTRUCTED TO PROCEED WITH THE NEGOTIATIONS AS EXPEDITIOUSLY AS POSSIBLE.

Q: HOW MANY AMERICANS ARE IMPRISONED IN TURKEY?

A: THERE ARE PRESENTLY FIVE AMERICANS INCARCERATED IN TURKEY. FOUR WERE CONVICTED OF SMUGGLING NARCOTICS.

SENTENCED TO 24 YEARS IMPRISONMENT, AND ARE ELIGIBLE FOR PAROLE AFTER SERVING 12 YEARS. ONE AMERICAN IS CURRENTLY BEING HELD IN PRE-TRIAL DETENTION ON BLACK MARKETEERING CHARGES.

Q: WILL THE TREATY WITH TURKEY BE SIMILAR TO ONES PREVIOUSLY NEGOTIATED WITH MEXICO, CANADA AND BOLIVIA?

A: THE EFFECT OF THE TREATY WITH TURKEY WOULD BE THE SAME AS ONES PREVIOUSLY NEGOTIATED, AS PROVIDED FOR IN IMPLEMENTING LEGISLATION PASSED BY THE CONGRESS. AMERICANS IMPRISONED IN TURKEY WOULD BE RETURNED TO THE U.S. TO SERVE OUT THE REMAINDER OF THEIR SENTENCES, SUBJECT TO ELIGIBILITY FOR PAROLE ACCORDING TO U.S. LAW. THE TEXT OF THE TREATY WILL BE BASED ON THE EUROPEAN CONVENTION, WITH NECESSARY MODIFICATIONS TO REFLECT U.S. CONSTITUTIONAL AND LEGAL REQUIREMENTS.

Q: WHAT IS THE EUROPEAN CONVENTION ON THE INTERNATIONAL VALIDITY OF CRIMINAL JUDGMENTS?

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 STATE 192950

A: THE EUROPEAN CONVENTION WAS NEGOTIATED IN THE COUNCIL OF EUROPE AND SIGNED AT THE HAGUE ON MAY 18, 1970. IT ENTERED INTO FORCE IN JULY 1974. IT WAS ORIGINALLY SIGNED BY SEVEN COUNTRIES. TO DATE ONLY CYPRUS, DENMARK, NORWAY AND SWEDEN HAVE RATIFIED. TURKEY SIGNED THE CONVENTION IN APRIL 1974. IT HAS BEEN APPROVED BY THE TURKISH PARLIAMENT, BUT THE TURKS HAVE NOT YET OFFICIALLY RATIFIED. IN ITS PRESENT FORM, THE CONVENTION WOULD NOT MEET US CONSTITUTIONAL AND LEGAL REQUIREMENTS, E.G. BY FAILING TO PROVIDE FOR CONSENT OF THE PRISONER PRIOR TO ANY TRANSFER. HOWEVER, WE BELIEVE THAT WE CAN DEVELOP A MUTUALLY ACCEPTABLE BILATERAL TREATY, BASED UPON THE CONVENTION, BUT SIMPLIFIED AND LESS SWEEPING IN SCOPE.

Q: WILL THIS TREATY HAVE ANY EFFECT ON CONGRESSIONAL CONSIDERATION OF THE TURKISH ARMS EMBARGO?

A: THE DEPARTMENT'S EFFORTS TO SECURE THE RETURN OF AMERICANS IMPRISONED ABROAD, INCLUDING THOSE IN TURKEY, COMMENCED LONG BEFORE THE ADMINISTRATION SUBMITTED ITS EASTERN MEDITERRANEAN PROGRAM TO THE CONGRESS. NEGOTIATION OF A PRISONER TRANSFER TREATY IS SIMPLY A CASE OF THE

TWO GOVERNMENTS RESOLVING ONE ITEM OF BUSINESS BETWEEN THEM.

2. FOR INFORMATION OF CONSTITUENT POSTS, FOLLOWING IS TEXT OF DEPT'S JULY 10 PRESS RELEASE:

BEGIN TEXT:

THE UNITED STATES AND TURKEY HAVE AGREED TO COMMENCE NEGOTIATIONS AT AN EARLY DATE ON A PRISONER TRANSFER TREATY, PROVIDING FOR THE RETURN OF CITIZENS IMPRISONED IN ONE STATE TO THEIR OWN COUNTRY TO SERVE OUT THE REMAINDER OF THE SENTENCES IMPOSED. THE TREATY WILL BE BASED UPON THE EUROPEAN CONVENTION ON THE INTERNATIONAL VALIDITY OF

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 04 STATE 192950

CRIMINAL JUDGMENTS, WITH NECESSARY MODIFICATIONS TO REFLECT THE SITUATIONS OF THE PARTIES AND THEIR CONSTITUTIONAL AND LEGAL REQUIREMENTS. END TEXT. VANCE

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptoning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 31 jul 1978
Decapton Date: 01 jan 1960
Decapton Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE192950
Document Source: CORE
Document Unique ID: 00
Drafter: HDCOLUMNS:CSR
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780313-1069
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t1978072/aaaaabjz.tel
Line Count: 139
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 78f1e66c-c288-dd11-92da-001cc4696bcc
Office: ORIGIN EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 13 jun 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1883863
Secure: OPEN
Status: NATIVE
Subject: PRISONER TRANSFER TREATY
TAGS: CASC, TU
To: ANKARA
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/78f1e66c-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014